

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Phillip Smith

Case Number: 0980 2:02CR02168-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: July 2, 2003

Original Offense: Crime on an Indian Reservation, Aggravated Sexual abuse, 18 U.S.C. §§ 1153 & 2241(a) and 2241(c)

Original Sentence: Prison 121 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: October 19, 2012

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: June 18, 2017

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** Mr. Smith was cited for driving under the influence on February 23, 2014.

According to the Yakama Tribal Police narrative report, on February 23, 2014, the officer responded to a vehicle parked on the side of the road, with a male subject slumped over the steering wheel. According to the officer, as he approached the vehicle, he observed a pool of vomit outside the driver's door of the vehicle. The subject was later identified as being Mr. Smith. According to the officer, upon initial contact with the defendant, he was unresponsive. The officer also reported he detected a strong odor of intoxicants coming from inside the vehicle. Once the defendant was able to respond, he replied with slurred speech and had bloodshot watery red eyes. The officer performed a field sobriety test on Mr. Smith, to which he failed. Mr. Smith was then placed under arrest for driving under the influence/physical control.

Mr. Smith was subsequently booked at the Yakama Nation Jail and posted bail the following the day.

Prob12C

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2 **Standard Condition #7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Smith was found under the influence of alcohol on February 23, 2014.

3 **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Smith failed to obtain a drug and alcohol evaluation at the Yakama Nation Drug and Alcohol Program, as directed by his probation officer, as of March 26, 2014.

4 **Standard Condition #2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Supporting Evidence: Mr. Smith failed to submit his monthly report form within the first 5 days of the month of March 2014. To this date, Mr. Smith has yet to submit his monthly report form.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 28, 2014

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

April 1, 2014

Date